

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)
v.) Case No: 2:12-cr-00005
RONALD W. PAUL) Chief Judge Haynes

GOVERNMENT'S MOTION IN LIMINE #1

The United States, through United States Attorney Jerry E. Martin and Assistant United States Attorney S. Carran Daughtry, hereby requests this Court preclude defendant Ronald W. Paul from arguing that he was not legally obligated to register as sex offender under either the federal Sex Offender Registration and Notification Act (SORNA) or under the law of the State of Tennessee SORNA or state law. The government also will be filing proposed jury instructions requesting that this Court instruct the jury that an individual who has been convicted of "Rape of a Child," in violation of Tenn. Code Ann. § 39-13-503, is required to register as sex offender under either SORNA and Tennessee law.

As grounds for this motion, the government incorporates this Court’s determination, as a matter of law, that the state judgment’s notation that the defendant was not required to comply with the sex offender registration law did not absolve defendant of that statutory requirement under federal or state law. (R. 34: Order Denying Motion to Dismiss; R. 37: Order Affirming Prior Order). As this Court knows, legal questions such as this are not to be submitted to a jury. *See United States v. Gaudin*, 515 U.S. 506, 513 (1995) (“noting that “[i]n criminal cases, . . . the judge must be permitted to instruct the jury on the law and to insist that the jury follow his instructions”). Just as a defendant cannot argue that evidence should be suppressed after a court has ruled otherwise, this defendant should not be permitted to argue the *legal* issue of whether he